



February 16, 2007

SENATE BILL No. 487

DIGEST OF SB 487 (Updated February 13, 2007 1:08 pm - DI 71)

Citations Affected: IC 9-13; IC 9-24.

Synopsis: Graduated driver's licenses. Gradually raises the minimum age for the issuance of learner's permits and probationary operator's licenses in future years. Sets requirements for practice driving before a probationary license can be issued. Prohibits a driver with a probationary license from operating a motor vehicle while using a handheld device. Revises the number of passengers who may accompany a probationary driver.

Effective: July 1, 2007.

Wyss, Ford, Lanane, Kruse, Tallian

January 18, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
February 15, 2007, reported favorably — Do Pass.

C
o
p
y

SB 487—LS 7707/DI 96+



February 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 487

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-72.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]: **Sec. 72.3. "Handheld device", for purposes of**
4 **IC 9-24-11-3, has the meaning set forth in IC 9-24-11-0.5.**

5 SECTION 2. IC 9-24-3-1 IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2007]: Sec. 1. Except as otherwise provided in
7 this article, the bureau shall issue an operator's license to an individual
8 who meets the following conditions:

9 (1) Satisfies the age requirements described in section 2 of this
10 chapter.

11 (2) Makes proper application to the bureau under IC 9-24-9 upon
12 a form prescribed by the bureau. **The form must include a**
13 **verification concerning the applicant's completion of the fifty**
14 **(50) hours of supervised driving practice as required in**
15 **sections 2.1, 2.2, and 2.3 of this chapter.**

16 (3) Satisfactorily passes the examination and tests required for
17 issuance of an operator's license under IC 9-24-10.

SB 487—LS 7707/DI 96+



C
o
p
y

(4) Pays the fee prescribed by IC 9-29-9.

SECTION 3. IC 9-24-3-2, AS AMENDED BY P.L.156-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Except as provided in section 3 of this chapter, an individual must meet one (1) of the following conditions to receive an operator's license:

(1) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and thirty (30) days of age.

(B) Has held a valid learner's permit at least sixty (60) days.

(C) Has obtained an instructor's certification that the applicant has satisfactorily completed an approved driver education course.

(D) Has passed the required examination.

(2) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has held a valid learner's permit for at least sixty (60) days.

(C) Has passed the required examination.

(3) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has, within the past three (3) years, held an Indiana operator's, chauffeur's, or public passenger chauffeur's license that has not been suspended or revoked.

(C) Passes the required examination.

(4) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has previously been a nonresident of Indiana but who, at the time of application, qualifies as an Indiana resident.

(C) Has held for at least one (1) year an unrevoked operator's, chauffeur's, or public passenger chauffeur's license in the state, district, or county in which the applicant has been a resident.

(D) Passes the required examination.

This section expires December 31, 2007. The expiration of this section does not affect the validity of an operator's license issued under this section.

SECTION 4. IC 9-24-3-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.1. This section applies beginning January 1, 2008. Except as provided in section 3 of this chapter, an individual must**

C
o
p
y



meet one (1) of the following conditions to receive an operator's license:

(1) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and two (2) months of age.

(B) Has held a valid learner's permit at least one hundred eighty (180) days.

(C) Obtains an instructor's certification that the applicant has satisfactorily completed an approved driver education course.

(D) Passes the required examination.

(E) Completes at least fifty (50) hours of supervised driving practice with a licensed instructor or a licensed driver who is at least twenty-five (25) years of age, of which at least ten (10) hours are nighttime driving.

(2) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and eight (8) months of age.

(B) Has held a valid learner's permit for at least one hundred eighty (180) days.

(C) Passes the required examination.

(D) Completes at least fifty (50) hours of supervised driving practice with a licensed instructor or a licensed driver who is at least twenty-five (25) years of age, of which at least ten (10) hours are nighttime driving.

(3) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has, within the past three (3) years, held an Indiana operator's, chauffeur's, or public passenger chauffeur's license that has not been suspended or revoked.

(C) Passes the required examination.

(4) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has previously been a nonresident of Indiana but who, at the time of application, qualifies as an Indiana resident.

(C) Has held for at least one (1) year an unrevoked operator's, chauffeur's, or public passenger chauffeur's license in the state, district, or county in which the applicant has been a resident.

(D) Passes the required examination.

This section expires December 31, 2008. The expiration of this

C
o
p
y



section does not affect the validity of an operator's license issued under this section.

SECTION 5. IC 9-24-3-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2.2. This section applies beginning January 1, 2009. Except as provided in section 3 of this chapter, an individual must meet one (1) of the following conditions to receive an operator's license:**

(1) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and four (4) months of age.

(B) Has held a valid learner's permit at least one hundred eighty (180) days.

(C) Obtains an instructor's certification that the applicant has satisfactorily completed an approved driver education course.

(D) Passes the required examination.

(E) Completes at least fifty (50) hours of supervised driving practice with a licensed instructor or a licensed driver who is at least twenty-five (25) years of age, of which at least ten (10) hours are nighttime driving.

(2) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and ten (10) months of age.

(B) Has held a valid learner's permit for at least one hundred eighty (180) days.

(C) Passes the required examination.

(D) Completes at least fifty (50) hours of supervised driving practice with a licensed instructor or a licensed driver who is at least twenty-five (25) years of age, of which at least ten (10) hours are nighttime driving.

(3) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has, within the past three (3) years, held an Indiana operator's, chauffeur's, or public passenger chauffeur's license that has not been suspended or revoked.

(C) Passes the required examination.

(4) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has previously been a nonresident of Indiana but who, at the time of application, qualifies as an Indiana resident.

(C) Has held for at least one (1) year an unrevoked

**C
O
P
Y**



operator's, chauffeur's, or public passenger chauffeur's license in the state, district, or county in which the applicant has been a resident.

(D) Passes the required examination.

This section expires December 31, 2009. The expiration of this section does not affect the validity of an operator's license issued under this section.

SECTION 6. IC 9-24-3-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2.3. This section applies beginning January 1, 2010. Except as provided in section 3 of this chapter, an individual must meet one (1) of the following conditions to receive an operator's license:

(1) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and six (6) months of age.

(B) Has held a valid learner's permit at least one hundred eighty (180) days.

(C) Obtains an instructor's certification that the applicant has satisfactorily completed an approved driver education course.

(D) Passes the required examination.

(E) Completes at least fifty (50) hours of supervised driving practice with a licensed instructor or a licensed driver who is at least twenty-five (25) years of age, of which at least ten (10) hours are nighttime driving.

(2) The applicant meets the following conditions:

(A) Is at least seventeen (17) years of age.

(B) Has held a valid learner's permit for at least one hundred eighty (180) days.

(C) Passes the required examination.

(D) Completes at least fifty (50) hours of supervised driving practice with a licensed instructor or a licensed driver who is at least twenty-five (25) years of age, of which at least ten (10) hours are nighttime driving.

(3) The applicant meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has, within the past three (3) years, held an Indiana operator's, chauffeur's, or public passenger chauffeur's license that has not been suspended or revoked.

(C) Passes the required examination.

(4) The applicant meets the following conditions:

C
o
p
y



(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has previously been a nonresident of Indiana but who, at the time of application, qualifies as an Indiana resident.

(C) Has held for at least one (1) year an unrevoked operator's, chauffeur's, or public passenger chauffeur's license in the state, district, or county in which the applicant has been a resident.

(D) Passes the required examination.

SECTION 7. IC 9-24-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The bureau shall issue a learner's permit to an individual who meets the following conditions:

(1) Is at least fifteen (15) years of age.

(2) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.

(3) Is enrolled in an approved driver education course.

This subsection expires December 31, 2007.

(b) Effective January 1, 2008, the bureau shall issue a learner's permit to an individual who meets the following conditions:

(1) Is at least fifteen (15) years and two (2) months of age.

(2) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.

(3) Is enrolled in an approved driver education course.

This subsection expires December 31, 2008.

(c) Effective January 1, 2009, the bureau shall issue a learner's permit to an individual who meets the following conditions:

(1) Is at least fifteen (15) years and four (4) months of age.

(2) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.

(3) Is enrolled in an approved driver education course.

This subsection expires December 31, 2009.

(d) Effective January 1, 2010, the bureau shall issue a learner's permit to an individual who meets the following conditions:

(1) Is at least fifteen (15) years and six (6) months of age.

(2) If less than eighteen (18) years of age, is not ineligible under IC 9-24-2-1.

(3) Is enrolled in an approved driver education course.

(e) The expiration of subsections (a) through (c) does not affect the validity of a learner's permit issued under one (1) of those subsections.

SECTION 8. IC 9-24-11-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

C
o
p
y



1, 2007]: **Sec. 0.5. As used in this chapter, "handheld device" means an electronic or digital telecommunication device designed to be operated while being held in the hand.**

SECTION 9. IC 9-24-11-3, AS AMENDED BY P.L.156-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in ~~IC 31-37-3~~, **subsection (f)**, the individual may not operate a motor vehicle: ~~during the curfew hours specified in IC 31-37-3-2.~~

(A) on Sunday through Thursday, from 10 p.m. until 5 a.m. of the following morning; and

(B) on Friday through Saturday, from midnight until 5 a.m. of the following morning.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual:

(A) who:

~~(A) (i)~~ **(i)** is at least ~~twenty-one (21)~~ **twenty-five (25)** years of age; and

~~(B) (ii)~~ **(ii)** holds a valid operator's license issued under this article; or

(B) who is a certified driver education instructor;
is present in the front seat of the motor vehicle.

(3) During the second ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there is more than one (1) passenger, unless one (1) of the passengers is present in the front seat of the motor vehicle and:

(A) is at least twenty-five (25) years of age and holds a valid operator's license issued under this article; or

(B) is a certified driver education instructor.

~~(3) (4)~~ **(4)** The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt, **or child passenger restraint system, if the passenger is a child less than sixteen (16) years of age as required under IC 9-19-11,** properly fastened about the occupant's body at all times when the motor vehicle is in motion.

An individual subject to this section may transport a child of the individual without another accompanying individual present in the

C
o
p
y



1 **motor vehicle as required in subsection (b)(2) or (b)(3).**

2 (c) An individual who holds a probationary license issued under this
3 section may receive an operator's license, a chauffeur's license, a public
4 passenger chauffeur's license, or a commercial driver's license when the
5 individual is at least eighteen (18) years of age.

6 (d) A probationary license issued under this section:

7 (1) expires at midnight of the twenty-first birthday of the holder;
8 and

9 (2) may not be renewed.

10 (e) **An individual who holds a probationary license under this**
11 **chapter may not operate a motor vehicle while using a handheld**
12 **device.**

13 (f) **It is a defense to a violation of subsection (b)(1) that the**
14 **individual engaged in the prohibited conduct while:**

15 (1) participating in, going to, or returning from:

16 (A) lawful employment;

17 (B) a school sanctioned activity; or

18 (C) a religious event; or

19 (2) accompanied by a licensed driver at least twenty-five (25)
20 years of age.

C
O
P
Y



SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 487.

WYSS

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 487.

WYSS

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 487, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 487 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 5, Nays 4.

C
o
p
y

